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 Attorneys for Defendant

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

GEBREMEDHIN HADERA,

Plaintiff,

v.

CAROLYN W. COLVIN,  
 Acting Commissioner of  
 Social Security,

Defendant.

CIVIL NO. 3:12-cv-05315-EMC

STIPULATION AND ~~PROPOSED~~ ORDER  
 APPROVING SETTLEMENT OF  
 ATTORNEY FEES PURSUANT TO THE  
 EQUAL ACCESS TO JUSTICE ACT, 28  
 U.S.C. § 2412(d), AND COSTS PURSUANT  
 TO 28 U.S.C. § 1920

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND, SIX-HUNDRED DOLLARS AND ZERO CENTS (\$6,600.00), and costs in the amount of THREE HUNDRED AND FIFTY DOLLARS AND ZERO CENTS (\$350.00), under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees and expenses and costs to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees and expenses and costs are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses and costs is entered, the government will determine whether they are subject to any offset.

1 Fees and expenses and costs shall be made payable to Plaintiff, but if the Department of the  
 2 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the  
 3 payment of fees, expenses and costs to be made directly to Steven M. Chabre, pursuant to the assignment  
 4 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees  
 6 and expenses and costs, and does not constitute an admission of liability on the part of Defendant under  
 7 the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and  
 8 all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses  
 9 and costs in connection with this action.

10 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act  
 11 attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

12 Respectfully submitted,

13 Dated: October 29, 2013

By: /s/ Steven M. Chabre  
 (As authorized by email on 10/28/13)  
 STEVEN M. CHABRE  
 Attorney for Plaintiff

MELINDA L. HAAG  
 United States Attorney  
 DONNA L. CALVERT  
 Acting Regional Chief Counsel, Region IX  
 Social Security Administration

19 Dated: October 29, 2013

By: /s/ Lynn M. Harada  
 LYNN M. HARADA  
 Special Assistant United States Attorney

# 21 ORDER

22 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the  
 23 amount of SIX THOUSAND, SIX-HUNDRED DOLLARS AND ZERO CENTS (\$6,600.00), and costs in  
 24 the amount of THREE HUNDRED AND FIFTY DOLLARS AND ZERO CENTS (\$350.00), as authorized  
 25 by 28 U.S.C. §§ 1920 and 2412(d), subject to the of the above-referenced Stipulation.

27 Dated: 10/30/13

28   
 THE HONORABLE EDWARD M. CHEN  
 United States District Judge